



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of.: §
Michal AMIT et al §
Serial No.: 10/581,455 §
Filed: June 1, 2006 § Group Art Unit: 1632 §
For: METHODS OF GENERATING §
STEM CELLS AND §
EMBRYONIC BODIES §
CARRYING DISEASE- §
CAUSING MUTATIONS AND §
METHODS OF USING SAME §
FOR STUDYING GENETIC §
DISORDERS §
Examiner: Ton, Thaian N §
§ Attorney Docket: 32059 §
§

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.132

I, Joseph Itskovitz Eldor, am a co-inventor of the above-identified application.

I have read the Office Action dated March 2, 2009 issued with respect to the above-identified application.

In the Office Action, the Examiner rejected claims 52, 55, 56, 58-60, 74, 75, 78-80 under 35 U.S.C. 102(a) as being anticipated by *Amit et al.* (Chapter 7: Subcloning and Alternative Methods for the Derivation and Culture of Human Embryonic Stem Cells from Human Embryonic Stem Cells, Ed. A.Y. Chiu and M.S. Rao. January 1, 2003, pp. 127-144), hereinafter *Amit et al.*

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Hanna Segev and Dorit Manor are identified as co-authors along with Michal Amit and myself, of the above *Amit et al.*, for their clinical efforts. Hanna Segev and Dorit Manor carried out assignments and worked under my supervision and direction, and were not co-inventors of the invention described and claimed in the above-identified application.

Amit et al., is thus a publication of our work which was published within the one year grace period preceding the filing date of U.S. Provisional Application No. 60/525,883, a priority document of the instant application and cannot be considered to be prior art relative to the instant application.

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I hereby declare that all the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and the such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: June 1, 2009.


Prof. Joseph Itskovitz Eldor